

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Updating the Commission’s Rule for	)	WC Docket No. 19-71
Over-the-Air-Reception Devices	)	

**COMMENTS OF GOOGLE FIBER INC.**

Google Fiber Inc. submits these comments in support of the Notice of Proposed Rulemaking (“*NPRM*”) to extend the Commission’s rule for over-the-air reception devices (“OTARD”) to fixed wireless hub and relay antennas.<sup>1</sup> Bringing these devices within the protection of the OTARD rules would accelerate the deployment of competitive fixed wireless broadband and align the FCC’s rules with the direction of technological growth in the fixed wireless industry. The *NPRM* recognizes the industry’s shift toward dense deployment of smaller hub and relay antennas sited close to consumer residences to account for the infrastructure needs of next-generation wireless technologies.<sup>2</sup> Given the increased importance of hub and relay antennas, including them within the scope of OTARD protections would allow providers to install this equipment more quickly and efficiently, free from potentially burdensome restrictions.

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<sup>1</sup> *Updating the Commission’s Rule for Over-the-Air Reception Devices*, Notice of Proposed Rulemaking, FCC 19-36, WT Docket No. 19-71 (rel. Apr. 12, 2019) (“*NPRM*”).

<sup>2</sup> *Id.* ¶ 7.

For the same reasons, the Commission should clarify that the “antenna user” under the OTARD rule includes fixed wireless service providers.<sup>3</sup> As a key part of their deployment strategy, fixed wireless providers such as Google Fiber’s affiliate Webpass Inc. utilize space on private property to install and maintain hub and relay antennas. Clarification from the Commission that the OTARD protections extend to providers that place antennas on private property—whether for the purpose of creating a fixed wireless network or for providing fixed wireless services to residents of the property—would deliver regulatory certainty, ensuring that providers are able to take advantage of the expanded OTARD rule. Together, these amendments to the rule would lower regulatory barriers to deployment and spur investment in competitive fixed wireless broadband in markets across the country.

**I. EXTENDING OTARD PROTECTIONS TO HUB AND RELAY ANTENNAS IS ESSENTIAL TO SPURRING INFRASTRUCTURE DEVELOPMENT AND COMPETITIVE BROADBAND DEPLOYMENT NATIONWIDE.**

Extending the scope of OTARD protections to hub and relay antennas would give wireless broadband providers such as Webpass greater certainty and predictability as they deploy competitive high-speed wireless broadband to new buildings and markets. Google Fiber is a competitive broadband provider that offers ultra-high-speed broadband service to residents and small businesses in eleven markets across the country.<sup>4</sup> Through its affiliate Webpass Inc., Google Fiber also provides point-to-point high-speed wireless broadband service to tens of thousands of residential and business customers in Denver, Colorado; Seattle, Washington; San Francisco, San Diego, and Oakland, California; Chicago, Illinois; and Miami, Florida.<sup>5</sup> Webpass

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<sup>3</sup> *Id.* ¶ 10 (proposing clarification of 47 C.F.R. § 1.4000(a)(1)).

<sup>4</sup> *See Our Cities*, GOOGLE FIBER, <https://fiber.google.com/ourcities/> (last visited May 30, 2019).

<sup>5</sup> *See About Us*, WEBPASS, [https://webpass.net/about\\_us](https://webpass.net/about_us) (last visited May 30, 2019).

negotiates agreements with multi-dwelling unit buildings, multi-tenant buildings, commercial properties, and buildings offering a mix of retail and living space. Webpass installs the necessary infrastructure to operate a fixed broadband network in those buildings, achieving maximum symmetrical speeds of 100 Mbps to 1 gigabit depending on the building's technical, structural, and environmental factors.

Webpass's deployment decisions are driven by the speed, ease, and efficiency with which it can install, maintain, and use antennas. The infrastructure for Webpass service includes rooftop radios that transmit and receive millimeter wave wireless signals, and fiber optic cables that facilitate the connection between the rooftop radios and connection ports within the buildings. This infrastructure relies on the installation of hub and relay antennas to transmit and receive signals from multiple customer locations.

Under the current rules, Webpass is vulnerable to local and private restrictions on antenna placement, including municipal zoning laws and Homeowner Association ("HOA") rules. These types of restrictions have the potential to negatively impact its deployment strategy—not only by potentially delaying or impeding antenna installation but also by disincentivizing service expansion due to lack of certainty and predictability. Google Fiber is very interested in increasing infrastructure investment and bringing its Webpass service to more buildings and markets, without the potential of burdensome restrictions imposed by local and private entities. To that end, we urge the Commission to adopt the *NPRM*'s extension of OTARD protections.

## **II. TO FURTHER FACILITATE WIRELESS NETWORK DEPLOYMENT, THE COMMISSION SHOULD INCLUDE FIXED WIRELESS SERVICE PROVIDERS AS "ANTENNA USERS" UNDER OTARD.**

To ensure that fixed wireless providers can take advantage of an expanded OTARD rule to accelerate deployment, the Commission should clarify that the "antenna user[s]" protected under the rule include fixed wireless providers using space on private property to place their

antennas, and not just property owners or residents. The current OTARD rule preempts restrictions on antennas when those antennas are located “on property within the exclusive use or control of the antenna user where the user has an ownership or leasehold interest in the property.”<sup>6</sup> Fixed wireless providers such as Webpass commonly use space on private property to install, maintain, and use hub and relay antennas to create fixed wireless networks; in doing so, they are granted “exclusive use or control” of that portion of the property on which their antennas are located. The Commission should make clear that these providers are “antenna users” protected under the OTARD rule. Moreover, the Commission should extend OTARD protections to antennas used to provide fixed wireless broadband to a property, whether the “antenna user” is (1) an owner or resident of the property or (2) the provider of fixed wireless broadband services to a resident of the property. By protecting fixed wireless providers from burdensome and unnecessary restrictions on antenna placement, the Commission would incentivize them to invest and deploy in new buildings and markets.

### **III. CONCLUSION**

For the foregoing reasons, the Commission should adopt its proposed rules expanding the scope of its OTARD rule to fixed wireless hub and relay antennas, as specified in the *NPRM*.

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<sup>6</sup> 47 C.F.R. § 1.4000(a)(1).

Additionally, the Commission should clarify that “antenna user” under the OTARD rule includes fixed wireless service providers.

Respectfully submitted,



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